

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JASON ALLEN TUCKER

Plaintiff,

v.

LOGISTICARE SOLUTIONS, LLC,

Defendant,

and

ONE TRANSPORTATION, LLC,

Defendant,

and

FREDDIE YOUNG

Defendant.

Case No: 4:20CV427 JCH

MEMORANDUM AND ORDER

Upon review of the Second Amended Complaint, the Court shall Remand the instant case to the St. Louis City Circuit Court, for lack of subject matter jurisdiction.

This case was initially removed from St. Louis City Circuit Court, case number 2022-CC000402 on March 20, 2020. (ECF No. 1) On April 2, 2020, Plaintiff filed an Amended Complaint in this Court which added Defendant One Transportation, LLC. (ECF No. 11) On April 2, 2020, Plaintiff filed a Motion to Remand the case, to which Defendant filed a Memorandum in Opposition. (ECF Nos. 12, 16). On May 13, 2020, Plaintiff filed a Motion to File a Second Amended Complaint which was granted by the Court. (ECF No. 21). Plaintiff filed his Second

Amended Complaint on May 14, 2020. (ECF No. 14). Plaintiff's Second Amended Complaint rendered Motion to Remand Moot.

Upon review of the Second Amended Complaint Plaintiff has joined a non-diverse Defendant therefore removal to state court is required pursuant to 28 U.S.C. §1447(e). If after removal the plaintiff seeks to join additional defendants, whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to state court.” 28 U.S.C. §1447(e). Diversity jurisdiction exists over a lawsuit between citizens of different states for an amount in controversy exceeding \$75,000.00. 28 U.S.C. §1332(a). Therefore the court “does not have diversity jurisdiction unless there is diversity between all plaintiffs and all defendants.” *See, Iowa Pub. Serv. Co. v. Med. Bow Coal Co.*, 556 F.2d 400, 403-04 (8th Cir, 1977). *See also, Cascades Dev. Of MN., LLC v. Nat’l Specialty Ins.*, 675 F.3d 1095, 1098 (8th Cir. 2012)(“Diversity jurisdictions requires complete diversity, that is where no defendant holds citizenship in the same state where any plaintiff holds citizenship”).

In this case, Plaintiff asserts that he is a resident and citizen of St. Louis, St. Louis County Missouri. (ECF No. 16, ¶ 1). Plaintiff additionally asserts that Defendant Young is a citizen and resident of the State of Missouri. (ECF No. 16, ¶ 23). Complete diversity does not exist in this case. The Court cannot assert jurisdiction.

CONCLUSION

Accordingly,

IT IS HEREBY ORDERED that the instant case is **REMANDED** to the St. Louis City Circuit Court for the State of Missouri.

Dated this 28th day of May, 2020.

/s/ Jean Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT COURT